S.B. Civil Writ Petition No.668/2003.
(Sant Doongar Ram Vs. State of Rajasthan & Others)

DATE OF ORDER : 27th April, 2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.Suresh Shrimali for the petitioner.
Mr. S.N. Tiwari, Dy. G.A.
Mrs. Deepika Vyas for the respondent(s).

BY THE COURT :

By way of filing the present writ petition, the petitioner is challenging the order dated 15.01.2002 whereby the learned Addl. Collector and Addl. District Magistrate (Second), Jodhpur passed order for remitting the case to the Gram Panchayat, Mathaniya while quashing patta No.10 dated 24.12.1999 issued in favour of the petitioner and directed the Gram Panchayat to issue patta after taking into account due process of law and after providing opportunity of hearing to both the parties. Further, it is ordered that the matter be decided afresh in accordance with law.

According to the petitioner, the patta was issued in his favour by the Gram Panchayat, Marwar Mathaniya (Tehsil Osian), District Jodhpur. According to the petitioner, he was in old possession of the land and patta No.10 was issued in his favour

in the year 1999; but, a revision was filed before the District Collector by non-petitioner No.4 Ugad Ram under Section 97 narrating that the patta was wrongly issued by the Gram Panchayat as the land was temple land and after contribution the residents of the village developed a temple on the said land. However, the petitioner has, in connivance with the Sarpanch of the Gram Panchayat, got the land through patta issued in his favour for a consideration of Rs.260/- only for the land measuring 4751 Sq yd though he was not in possession of the land and the same was in fact public land used as temple land which was developed by the efforts of the local residents. It was further alleged in the revision petition by non-petitioner No.4 that the patta was issued in favour of the petitioner without following the procedure and without disclosing anything to the public in complete disregard of the provisions of the rules.

The revision petition was accepted and the case was remanded to the Gram panchayat with a direction to decide the matter afresh. The revisionary authority also cancelled the patta. This Court passed order on 17.03.2003 for maintaining status quo with regard to the land in question.

I have perused the impugned order and, so also, considered the facts of the case. In my opinion, no case is made out for interference in the impugned order. The Gram Panchayat is required by the impugned order to decide the case as per

direction issued by respondent No.1 in its true spirit. It is hoped and trusted that the concerned Gram Panchayat shall decide the matter expeditiously, preferably within a period of three months.

With aforesaid observation, the writ petition is disposed of.

(Gopal Krishan Vyas) J.